

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No.16956 of 2018  
Date of decision: 27.02.2020

|                             |        |                |
|-----------------------------|--------|----------------|
| Vipin Kumar                 | Versus | ....Petitioner |
| State of Haryana and others |        | ...Respondents |

**Coram:     Hon'ble Mr. Justice B.S. Walia**

Present:     Mr. S.K. Nehra, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Rishabh Gupta, Advocate for respondent No.2.

**B.S. Walia, J. (Oral).,**

Prayer in the petition under Article 226 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to grant the pay/salary of the post of SDO/Assistant Engineer along with consequential benefits w.e.f. 01.08.2008 to 23.06.2010 and from 13.05.2014 to till date as the petitioner has been posted as SDO/Assistant Engineer in public interest and has been discharging his duties independently for the said post while holding Current Duty Charge.

2.            In paragraph No.8 of the writ petition, reliance is placed on the decision of Coordinate Benches of this Court, Annexures P-5 and P-6 whereby the respondents were directed to pay salary to the petitioner therein for the post of Assistant Engineer with effect from the date of holding of Current Duty Charge. Learned Counsel contends that the case of the petitioner is squarely covered by the said decisions.

3. On 26.08.2019 while adjourning the case for today for arguments, time was granted to the respondents to file reply but till date neither reply has been filed nor is anybody present on behalf of contesting respondent Nos. 2&3.

4. Accordingly, the averments in the writ petition are taken to be uncontroverted. Writ petition allowed in the same terms as in CWP No.7642 of 2018 (Annexure P-5) and CWP No.16541 of 2015 (Annexure P-6). Arrears be worked out as per entitlement in accordance with law and be released to the petitioner within three months of date of submission of certified copy of order failing which the same would be paid along with interest @ 6 % p.a. w.e.f. date of entitlement till date of payment. However, arrears would be restricted to a period of three years and two months prior to the filing of the writ petition.

5. Post dictation of the order but before it could be signed, Shri Rishab Gupta, Advocate has appeared and requested for his presence to be marked. However, he has neither filed reply nor given any explanation for not filing the same nor he has controverted the factual position or of the claim of the petitioner being covered by the decisions relied upon. Accordingly, the order passed above is reiterated while modifying it to the extent of marking the presence of Shri Rishab Gupta, Advocate on behalf of respondent Nos. 2 & 3.

**February 27, 2020**  
**ps**

**(B.S. WALIA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No